

SIGNATURE PAGE- ERRATA SHEET

To be signed by deponent and returned to counsel  
within thirty (30) days.

I, the undersigned, DORIS P. MUNDO, do hereby certify  
that I have read the foregoing transcript of my  
testimony given in the matter of DORIS P. MUNDO vs.  
DELTA AIRLINES, INC., on September 30, 2004 and that  
to the best of my knowledge, said transcript is true  
and accurate with the exception of the following  
corrections listed below:

Page: Line:

DEPONENT'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

hr

959 MAIN STREET  
4TH FLOOR  
SPRINGFIELD, MA 01103

**PHILBIN & ASSOCIATES, INC.**

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Pittsfield: (413) 499-2231  
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1  
2  
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF HAMPDEN

3 I, HELGA RAGLE, a Notary Public within and  
4 for the Commonwealth of Massachusetts at large, do  
5 hereby certify that I took the deposition of DORIS P.  
6 MUNDO, pursuant to the Federal Rules of Civil  
7 Procedure on September 30, 2004, at the offices of  
8 Jeanne A. Liddy, Esq., 94 North Elm Street,  
9 Westfield, Massachusetts.

10 I further certify that the above named  
11 deponent was by me first duly sworn to testify to the  
12 truth, the whole truth and nothing but the truth  
13 concerning her knowledge in the matter of the case of  
14 DORIS P. MUNDO vs. DELTA AIRLINES, INC., now pending  
15 in the United States District Court for the District  
16 of Massachusetts.

17 I further certify that the within testimony  
18 was taken by me stenographically and reduced to  
19 typewritten form under my direction by means of  
20 COMPUTER ASSISTED TRANSCRIPTION; and, I further  
21 certify that said deposition is a true record of the  
22 testimony given by said witness.

23 I further certify that I am neither counsel  
for, related to, nor employed by any of the parties to  
the action in which this deposition was taken; and  
further, that I am not a relative or employee of any  
attorney or counsel employed by the parties hereto,  
nor financially or otherwise interested in the outcome  
of the action.

WITNESS my hand and seal this 11th day of  
October, 2004.



Helga Ragle  
Notary Public  
Certified Shorthand Reporter

My commission expires  
October 2, 2009.

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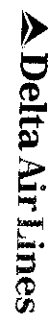
WITNESS my hand and seal this 11th day of  
October, 2004.



Helga Ragle  
Notary Public  
Certified Shorthand Reporter

My commission expires  
October 2, 2009.

# EXHIBIT 2



**John Sudkamp**

*Airport Customer Service Supervisor*

Delta Air Lines, Inc.

Department 125

P.O. Box 20006

New Orleans, LA 70141-0006

Telephone 504 465 3111

Fax 504 465 3196

# **EXHIBIT 3**

**United States District Court  
District of Massachusetts (Springfield)  
CIVIL DOCKET FOR CASE #: 3:03-cv-30311-MAP**

Mundo v. Delta Airlines Inc.  
Assigned to: Honorable Michael A Ponsor  
Referred to: Magistrate Kenneth P. Neiman  
Demand: \$  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 12/29/03  
Jury Demand: Defendant  
Nature of Suit: 310 Airplane  
Jurisdiction: Diversity

**Plaintiff**  
-----

**Doris P. Mundo**

represented by **Jeanne A. Liddy**  
Law Offices of Jeanne A. Liddy  
94 North Elm Street, Suite 207  
Westfield, MA 01085  
413-562-7096  
Fax : 413-562-1225  
Email: jeanne.liddy@verizon.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**  
-----

**Delta Airlines Inc.**

represented by **Peter J. Black**  
Meehan, Boyle, Black & Fitzgerald  
Two Center Plaza, Suite 600  
Boston, MA 02108-1922  
617-523-8300  
Fax : 617 523-0455  
Email: pjb@mbbf.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Filing Date	#	Docket Text
12/29/2003	<u>1</u>	COMPLAINT against Delta Airlines Inc. by Doris P. Mundo filed. Filing fee of \$150.00 paid. Receipt number 305464. Magistrate Judge Consent Form, LR 4.1, notice of lawsuit and waiver of service of summons to Counsel.(Finn, Mary) (Entered: 12/29/2003)
12/29/2003		Summons Issued as to Delta Airlines Inc.. (Finn, Mary) (Entered: 12/29/2003)
12/29/2003	<u>2</u>	CONSENT to Jurisdiction by US Magistrate Judge filed and placed in the vault. (Finn, Mary) (Entered: 12/29/2003)



12/29

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DORIS P. MUNDO,

*Plaintiff,*

v.

DELTA AIRLINES INCORPORATED,

*Defendant.*

Civil Action  
No.03 CV 30311-KPN

**COMPLAINT**

JURISDICTION AND PARTIES

I.

1. Plaintiff is, and was at all times mentioned, a resident of 36 Western Lane, Amherst, Hampshire County, thereby domiciled in and a citizen of the Commonwealth of Massachusetts.

2. Delta Airlines ("Delta") was, and is now, a corporation duly organized and existing under the laws of the State of Georgia, having its principal place of business at 1030 Delta Boulevard, Fulton County, Atlanta, in that state.

AMOUNT IN CONTROVERSY, DIVERSITY OF CITIZENSHIP

II.

3. This action is of a civil nature involving, exclusive of interest and costs, a sum in excess of \$75,000.00. Every issue of law and fact is wholly between two citizens of different states.

GENERAL FACTS

III.

4. At all material times hereto, defendant Delta was an airline engaged in the business of transporting passengers by aircraft ("planes").

5. At all times material, defendant Delta offered fares, tickets and subsequent travel on its planes to consumer passengers, with the knowledge that such services would be marketed and distributed into the stream of commerce, and that passengers, such as plaintiff, would purchase its products.

6. On or about December 29, 2000, plaintiff and passenger, Doris Mundo, purchased a fare and ticket from defendant common carrier Delta for transportation from Springfield, Massachusetts to New Orleans, Louisiana on March 11, 2001.

7. From on or about December 29, 2000 and upon said purchase of fare and

ticket, plaintiff and passenger, Doris Mundo, notified defendant common carrier Delta that she was disabled and that her condition necessitated prioritized, special, care when traveling on defendants planes.

8. From on or about March 11, 2001, while plaintiff was a passenger on defendant Delta's planes and waited to board at defendant's terminal in New Orleans, Louisiana, plaintiff repeatedly notified defendants' representative of an illness she suffered that day but defendant allowed plaintiff to remain unattended.

#### GENERAL HARM TO PLAINTIFF

9. After purchasing defendants products on or about December 29, 2000 and upon traveling and boarding on common carrier defendants planes on or about March 11, 2001, plaintiff says she became seriously harmed at defendant Deltas' terminal in New Orleans in that although plaintiff repeatedly notified defendants' representative of illness, defendant merely allowed plaintiff to remain unattended, thereby severely damaging and greatly injuring her when such lack of attention resulted in great suffering, humiliation and harms to requiring immediate emergent care.

FIRST COUNT

Plaintiff complains against defendant Delta and for a first claim for relief against Delta alleges: NEGLIGENCE.

I.

10. Plaintiff incorporates and realleges Paragraphs one through nine of this Complaint against defendant and makes such paragraphs a part hereof.

II.

11. The plaintiff, Doris Mundo, says that defendant Delta negligently and unskillfully managed and cared for its passengers, including plaintiff, in that although she informed defendant she was disabled and repeatedly informed defendant that she was ill while a passenger on or about March 11, 2001, defendant ignored plaintiff's pleas for help and thereby caused the plaintiff to sustain harms.

12. The plaintiff, Doris Mundo, submits that defendant Delta knew, or should have known in its exercise of care under the circumstances consistent with its common carrier undertaking, and upon notice of her disability and further notification of her illness that day at its terminal in New Orleans, Louisiana, that it was foreseeable that she would suffer such harms due to defendants negligence.

II.

14. The plaintiff, Doris Mundo, says that at all material times hereto, defendant contracted with consumers for common carrier air travel services.

15. The defendant then and there so negligently and carelessly performed such services as to cause, and permit to remain, a dangerous and defective condition in that it knew plaintiff was disabled and left plaintiff unattended when she became seriously ill.

16. As a result thereof and as a direct and proximate consequence of defendants negligence, plaintiff was caused to suffer severe, painful and serious injuries while in defendants care, was further disabled and was forced to endure pain, humiliation, loss of dignity and discomfort in both body and mind in that she has suffered a seizure and unconsciousness, loss of dignity including loss of bodily functions, was caused to travel in such a humiliated and weakened condition and was further caused to continue to suffer harms in that her pain and trauma was continued to be suffered by her for an extended period of time, all to her great damage.

WHEREFORE, the plaintiff, Doris Mundo, demands judgment against the defendants for his damages, interest, and costs, and for such other relief that this Court deems meet and just.

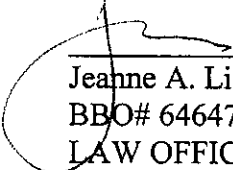
DEMAND FOR JURY TRIAL

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON COUNTS ONE  
THROUGH TWO.

Dated: December 29, 2003

Doris Mundo

By Her Attorney,

  
\_\_\_\_\_  
Jeanne A. Liddy, Esq.

BBO# 646478

LAW OFFICES OF JEANNE A. LIDDY

94 North Elm Street, Suite 207

Westfield, MA. 01085

Tel: (413) 562-7096

Fax: (413) 562-1225